

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
(Boston Division)

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

STEVEN E. NOTHERN,

Defendant.

Civil Action No. 05-10983 (NMG)

MEMORANDUM IN SUPPORT OF ASSENTED TO MOTION TO AMEND
ANSWER OF DEFENDANT STEVEN E. NOTHERN

Defendant Steven E. Nothern respectfully submits this memorandum in support of his motion to Amend his Answer filed in the above-captioned matter on July 15, 2005 in order to withdraw his Fourth Affirmative Defense of Waiver. Justice requires that this relief be granted pursuant to Federal Rule of Civil Procedure 15 because the withdrawal of this Affirmative Defense will narrow the issues to be litigated and/or tried in this matter and will serve the promotion of judicial economy by saving resources. Under Rule 15, leave to amend shall be "freely given." In addition, the Securities and Exchange Commission assents to the Motion.

STEVEN E. NOTHERN

By his attorneys,

Dated: August 22, 2005

/s/ John A. Shope

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